

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-26 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In response, these claims are substantially amended herewith for definiteness. All of the Examiner's specific objections have also been overcome.

Spelling has been amended to conform to American English.

The drawings are objected to under 37 CFR 1.83(a) as the Examiner indicates that the "selector means" as claimed is not shown. The "selector means" is in fact shown in the drawings, although labelled as relay 7. In the specification at page 6 lines 13 to 16, the function of relay 7 is described as selecting between alternative video and audio sources. The specification has been amended, at page 6 line 14, to clarify this, the selector means claimed now being unambiguously identified.

Claims 27 and 28 are cancelled herewith.

The examiner has indicated that Claims 1-26 are unclear in that they seem to say that the alternative is always selected. Claims 1 and 14 have been amended herewith to clarify the claims and remove any ambiguity.

The specification is objected to as failing to teach adequately how to make and use the invention. The clarification of the matter of "selector means" in the specification as discussed above and the associated amendment of claims 1 and 14 overcome this objection.

Claims 1 to 26 stand rejected under 35 U.S.C. 112, first paragraph. Claims 2, 3, 8, 10, and 12 depend from Claim 1 and should be allowable following amendment of claim 1 as above. Claims 15, 16, 21, 23 and 25 depend from Claim 14 and should be allowable following amendment of claim 14 as above.

Claims 4 and 17 have been amended to overcome the rejection under 35 U.S.C. 112 by adding clarifying detail.

Claims 5-7,9,11 and 13 depend directly or indirectly from claim 4 and should be allowable following amendment of claim 4 as above.

Claims 18-20,22,24 and 26 depend directly or indirectly from claim 17 and should be allowable following amendment of claim 17 as above.

Claims 1 and 14 stand rejected under 35 U.S.C. 102 (b) as being anticipated by Von Kohorn ('404). The examiner indicates that at column 7, lines 50-57 of Von Kohorn ('404) it is pointed out that "Von Kohorn switches from the transmitted program selection to the alternate transmission of editorial messages". The term "editorial messages" as in the lines cited refers to the editing control signals, not to an alternative program source. Von Kohorn's use of

this term is somewhat confusing, as it appears without definition for the first time at line 53 of column 7. However the meaning is made plain in the following paragraph which describes the function of the "editorial message" as "dealing with the editing of the designated material". Von Kohorn therefore does not address the problem solved by the applicant's invention. At several places in Von Kohorn ('404) it is expressly stated that his objective is to delete unwanted material or to enable recording of selected programs (e.g. column 1, lines 48-49, 55-59, column 2 lines 18-20, 65,66). However there is no teaching or suggestion that alternative material is substituted. Amended claims 1 and 14 should therefore be allowable.

Claims 2,10,12,15,23 and 25 also stand rejected under 35 U.S.C. 102 (b) as being anticipated by Von Kohorn ('404). These claims depend from claims 1 and 14 and should therefore also be allowable.

Claims 3 and 16 are rejected as being unpatentable over Von Kohorn ('404) in view of Amano et al ('229). As the inventive concept of displaying alternative material during periods of unwanted broadcast is not taught or suggested by Von Kohorn, the question of whether the alternative video is generated locally or remotely does not arise. Although Amano et al ('229) does teach the use of an alternative display when a channel is blocked, according to Amano et al ('229) such blocking occurs only when a particular channel is selected at a particular time. It is not taught or suggested that the alternative display be selected in the manner of Claims 3 or Claim 16. Claims 3 and 16 depend on Claims 1 and 14 respectively. As Claims 1 and 14 are herewith amended to be allowable, and Claims

3 and 16 are not unpatentable over Von Kohorn ('404) in view of Amano et al ('229), Claims 3 and 16 should also be allowable.

Claims 8 and 21 are rejected as being unpatentable over Von Kohorn ('404) in view of Horne ('131), as the examiner believes it would have been obvious to transmit the control signals in the horizontal blanking interval as taught by Horne ('131). However, as the inventive concept of displaying alternative material during periods of unwanted broadcast is not taught or suggested by Von Kohorn, Claims 8 and 21 do not rely on the integer of transmission of data in the video signal for its novelty, and should therefore be allowable.

All of the claims of the present invention should therefore be in condition for allowance and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

PETER SAMUEL VOGEL

Applicant.

28 Adeline Street,

FAULCONBRIDGE

N.S.W. 2776

AUSTRALIA

VOGEL, AN 07/237,1

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